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**OFFICE OF PETITIONS
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ON PETITION

In re Application of
Paul V. Lehmann et al. Franz-Josef Kalde
Application No. 08/621,725
Filed: March 21, 1996
Attorney Docket No. CASE-02138

This is a decision on the petition under 37 CFR 1.137(b), filed November 27, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 1.192(c). As a complete and proper appeal brief was not filed within one (1) month of the Notification of Non-Compliance with 37 CFR 1.192(c) mailed February 3, 2000, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(d) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on April 4, 2000. See MPEP 1215.04.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

The application file is being forwarded to Technology Center AU 1644, for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

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for Patent Examination Policy